

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANTON SLAUGHTER, SR.,

Plaintiff,

Case No. 24-cv-59-pp

v.

CAPITAL ONE N.A.,

Defendant.

**ORDER DISMISSING CASE FOR PLAINTIFF'S FAILURE TO PAY FILING
FEE AND FAILURE TO COMPLY WITH COURT ORDER**

On January 16, 2024, the plaintiff—who is representing himself—filed a complaint, alleging that defendant Capital One N.A. “knowing[ly] and intentionally conspired to deprive [him] of [his] preexisting rights protected by [certain federal statutes].” Dkt. No. 1. He also filed a motion to proceed without prepaying the filing fee. Dkt. No. 2.

On August 15, 2024, the court issued an order explaining that the plaintiff's motion for leave to proceed without prepaying the filing fee did not include enough information for the court to decide whether he could afford to pay the fee. Dkt. No. 6 at 1. The court ordered that by the end of the day on September 6, 2024, the plaintiff must file an amended motion providing the missing information. Id. at 3.

The court received the plaintiff's amended motion on September 9, 2024. Dkt. No. 7. On September 13, 2024, the court issued an order finding that the

amended motion did not address the deficiencies the court had identified in its August 15, 2024 order. Dkt. No. 8 at 2. The court denied the amended motion and ordered that the plaintiff must pay the full filing fee by the end of the day on October 4, 2024. Id. at 3. The court advised the plaintiff that “[i]f the clerk’s office [did] not receive the full filing fee by the end of the day on October 4, 2024, the court [would] dismiss this case for the plaintiff’s failure to pay the filing fee and his failure to comply with the court’s orders.” Id. The October 4, 2024 deadline has passed, and the court has not received the filing fee from the plaintiff.

The plaintiff has another case pending before this court, Slaughter v. First American Bank, Case No. 24-cv-75. In that case, the court also ordered that by October 4, 2024, the plaintiff must pay the full filing fee for *that* case. Id. at Dkt. No. 12. On October 3, 2024, the court received the full filing fee in that case. Perhaps the plaintiff is under the impression that he owes only one filing fee for both lawsuits. But 28 U.S.C. §1914(a) requires a party “instituting any civil action, suit or proceeding” to pay a filing fee. The District Court Fee Schedule, issued in accordance with 28 U.S.C. §1914, requires a plaintiff to pay \$405 for every “new civil action.” That means that if a plaintiff files two complaints—two new civil actions—he owes two filing fees. If he files six complaints, he owes six filing fees. Because the plaintiff filed two separate complaints against separate defendants, he must pay a \$405 filing fee for *each* case. Paying the filing fee in Case No. 24-cv-75 allows the plaintiff to proceed in

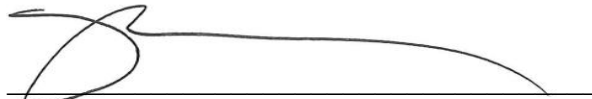
that case, but the plaintiff cannot proceed with this case (Case No. 24-cv-59) based on his payment of the filing fee in Case No. 24-cv-75.

Because the court did not receive the \$405 filing fee by the deadline it set in its September 13, 2024 order, the court will dismiss this case without prejudice. That means that the plaintiff may file a new case in the future, subject to the relevant statutes of limitation, and when he does so, he will have to pay a filing fee.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** because the plaintiff failed to pay the filing fee and failed to comply with the court's September 13, 2024 order. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 11th day of October, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge